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8 **IN THE UNITED STATES DISTRICT COURT**  
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**  
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11 MAURICE DAVIS,

No. CIV S-04-0707-FCD-CMK-P

12 Plaintiff,

13 vs.

ORDER

14 STATE OF CALIFORNIA,

15 Defendant.  
16 \_\_\_\_\_/

17 Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant  
18 to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to  
19 Local Rule 72-302(c)(21).

20 On November 3, 2005, the magistrate judge filed findings and recommendations  
21 herein which were served on plaintiff and which contained notice to plaintiff that any objections  
22 to the findings and recommendations were to be filed within ten days. Plaintiff has filed  
23 objections to the findings and recommendations.

24 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-  
25 304, this court has conducted a de novo review of this case. Having carefully reviewed the entire  
26 file, the court finds the findings and recommendations to be supported by the record and by

1 proper analysis.

2 Accordingly, IT IS HEREBY ORDERED that:

3 1. The findings and recommendations filed November 3, 2005, are adopted  
4 in full;

5 2. Defendant's motion to dismiss is granted;

6 3. This action is dismissed; and

7 4. The Clerk of the Court is directed to enter judgment and close this file.  
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9 DATED: December 5, 2005  
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11 /s/ Frank C. Damrell Jr.  
12 FRANK C. DAMRELL JR.  
13 United States District Judge  
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